



IRW

PATENT
Customer No. 22,852
Attorney Docket No. 06882.0095-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gary T. NEEL et al.) Group Art Unit: 3626
)
Application No.: 10/764,974) Examiner: To Be Assigned
)
Filed: January 26, 2004) Confirmation No.: 9318
)
For: MEDICAL DIAGNOSTIC TESTING)
DEVICE WITH VOICE MESSAGE)
CAPABILITY)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

A copy of the listed non-patent literature document is attached.

The document listed in this Information Disclosure Statement was first cited in a communication from the World Intellectual Property Organization (PCT) in a counterpart foreign application and is being submitted in accordance with 37 C.F.R. § 1.97(b).

Applicants respectfully request that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitute "prior art." If the Examiner applies the document as prior art against any claim in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

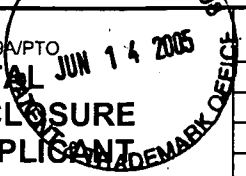
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 14, 2005

By: 

Eric P. Raciti
Reg. No. 41,475



IDS Form PTO/SB/08: Substitute for form 1449A/PTO

Complete if Known

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	10/764,974		
		Filing Date	January 26, 2004		
		First Named Inventor	Gary T. NEEL		
		Art Unit	3626		
		Examiner Name	To Be Assigned		
Sheet	1	of	1	Attorney Docket Number	06882.0095-00000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-			
		US-			
		US-			
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		US-			

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
/T.W./		International Search Report in PCT/US2005/002203, Home Diagnostics, Inc., dated January 25, 2005.	

Examiner Signature	/Teresa Woods/	Date Considered	02/01/2010
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.